

## Message Text

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45

ACTION EA-10

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-02 RSC-01 PRS-01 SP-02 SS-15

USIA-15 AID-05 OMB-01 DPW-01 ACDA-10 SAJ-01 NIC-01

SR-02 ORM-01 EUR-12 /110 W  
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R 031037Z FEB 75

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 2440

INFO USDEL JEC PARIS

USMISSION GENEVA

UNCLAS SAIGON 1277

E.O. 11652: N/A

TAGS: PFOR, VS

SUBJECT: ALLEGATIONS THAT GVN VIOLATES ARTICLE 11 OF PARIS  
AGREEMENT ON "DEMOCRATIC LIBERTIES"

1. FOLLOWING IS A CRITICAL ANALYSIS OF FALSE BUT COMMONLY VOICED  
CHARGE THAT THE GVN IS VIOLATING THE PARIS AGREEMENT BY NOT  
ENSURING "DEMOCRATIC LIBERTIES" TO THE POPULATION OF SVN AS  
STIPULATED IN ARTICLE 11. THE DEPARTMENT MAY WHISH TO REPEAT  
TO SELECTED POSTS.

2. ARTICLE 11 READS:

BEGIN TEXT

IMMEDIATELY AFTER THE CEASE-FIRE, THE TWO SOUTH VIETNAMESE  
PARTIES WILL:

-ACHIEVE NATIONAL RECONCILIATION AND CONCORD, END HATRED AND  
ENMITY, PROHIBIT ALL ACTS OF REPRISAL AND DISCRIMINATION AGAINST  
INDIVIDUALS OR ORGANIZATIONS THAT HAVE COLLABORATED WITH ONE SIDE  
OR THE OTHER.

- ENSURE THE DEMOCRATIC LIBERTIES OF THE PEOPLE: PERSONAL  
FREEDOM, FREEDOM OF SPEECH, FREEDOM OF THE PRESS, FREEDOM OF  
MEETING, FREEDOM OF ORGANIZATION, FREEDOM OF POLITICAL ACTIVITIES,  
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FREEDOM OF BELIEF, FREEDOM OF MOVEMENT, FREEDOM OF RESIDENCE,

FREEDOM OF WORK, RIGHT TO PROPERTY OWNERSHIP, AND RIGHT TO FREE ENTERPRISE.  
END TEXT

3. UNDER THIS ARTICLE THE GVN AND THE "PRG" HAVE THE DOUBBLE OBLIGATION (A) TO ACHIEVE RECONCILIATION INCLUDING ENDING ACTS OF REPRISAL AND (B) ENSURE THE ENUMERATED "DEMOCRATIC LIBERTIES OF THE PEOPLE". THESE TWO OBLIGATIONS ARE CONTINGENT ON REALIZATION OF A CEASE-FIRE. THEY ARE ALSO VERY CLEARLY INTERDEPENDENT, THAT IS, UNTIL SOME DEGREE OF RECONCILIATION IS ACHIEVED AND ACTS OF REPRISAL HAVE CEASED IT MAKES NO SENSE TO INSIST THAT THE "PRG" AND THE GVN FULLY IMPLEMENT DEMOCRATIC LIBERTIES. IT IS IMPORTANT TO BEAR IN MIND THAT ARTICLE 11 IS ONE OF SIX ARTICLES (ARTICLES 9 THROUGH 14) WHICH MAKE UP CHAPTER IV OF THE AGREEMENT ENTITLED "THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION". ARTICLE 11'S PROHIBITION AGAINST REPRISALS AND ENSURANCE OF DEMOCRATIC LIBERTIES ARE QUITE CLEARLY AN INTEGRAL PART OF THE POLITICAL SETTLEMENT WHICH WOULD LEAD TO "GENUINELY FREE AND DEMOCRATIC ELECTIONS UNDER INTERNATIONAL SUPERVISION (ARTICLES 9B AND 12B)." ON THE FACE OF IT, IT WOULD BE ABSURD FOR THE "PRG" TO SEEK TO OPEN COMMUNIST PARTY OFFICES IN GVN-CONTROLLED TERRITORY OR FOR GVN PUBLISHERS TO OPEN NEWSPAPERS IN THE "PRG" ZONE BEFORE THE PROCESS OF POLITICAL SETTLEMENT ENVISAGED ELSEWHERE IN CHAPTER IV IS WELL ADVANCED.

4. NEGOTIATIONS LOOKING TOWARD A POLITICAL SETTLEMENT BEGAN SHORTLY AFTER THE SIGNING OF THE PARIS AGREEMENT BUT WERE SUSPENDED IN MAY AND JUNE 1974 WHEN THE "PRG" BROKE OFF THE BILATERAL TALKS BEING HELD AT LA CELLE ST. CLOUD NEAR PARIS AND IN SAIGON. THE "PRG" HAS SINCE REFUSED CALLS BY THE GVN TO RETURN TO THE NEGOTIATING TABLE, MAKING IMPOSSIBLE FURTHER PROGRESS TOWARD A SETTLEMENT.

5. IN ARTICLE 3C THE PARIS AGREEMENT BANS TERRORISM AND REPRISALS "AS SOON AS THE CEASE-FIRE GOES INTO EFFECT". THERE IS THUS UNMISTAKABLE EVIDENCE THAT THE END OF REPRISALS WAS SEEN BY THE PARTIES TO THE AGREEMENT AS ONE ESSENTIAL FIRST STEP IN IMPLEMENTING THE AGREEMENT, INCLUDING OF COURSE CHAPTER IV.

6. UNFORTUNATELY, BECAUSE OF COMMUNIST ATTACKS, IT WAS NOT UNCLASSIFIED

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POSSIBLE TO CARRY OUT THE CEASE-FIRE CALLED FOR IN THE PARIS AGREEMENT. ALSO, SINCE 2400 GMT ON JANUARY 27, 1973, WHEN THE CEASE-FIRE WAS TO BEGIN, THERE HAVE BEEN CONTINUING ACTS OF TERROR AND REPRISALS BY THE "PRG" AGAINST THE CIVILIAN POPULATION IN THE GVN AREA, MANY OF WHICH WE HAVE REPORTED IN DETAIL. IT IS CLEAR THEN THAT THE NECESSARY PRECONDITIONS ENVISAGED IN THE PARIS AGREEMENT FOR ENSURING "DEMOCRATIC LIBERTIES" DO NOT EXIST.

7. NONETHELESS IT IS IMPORTANT TO NOTE THAT THE RVN CONSITUTION  
ALREADY PROVIDES FOR SUBSTANTIALLY THE SAME DEMOCRATIC LIBERITES  
SET FORTH IN ARTICLE 11. AS ANY READER OF THE VIETNAMESE AND FOREIGN  
PRESS WILL APPRECIATE, THESE LIBERTIES ARE IN FACT ENJOYED TO A  
REMARKABLE EXTENT BY THE POPULATION OF SVN, SUBJECT ONLY TO PRE-  
CAUTIONS MADE NECESSARY BY THE HOSTILITIES CAUSED BY THE CONTINUING  
NVN ATTEMPT TO TAKE SVN BY FORCE. ON THE OTHER HAND, AS REFUGEES  
CAN TESTIFY, THE "PRG" WHICH SO LUDLY DEMANDS THAT THE GVN  
ENSURE DEMOCRATIC LIBERTIES, DENIES THESE TO ITS OWN POPULATION.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY VIOLATION, ALLEGATIONS, DEMOCRATIC LIBERTIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750038-0855  
**From:** SAIGON  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750277/aaaacrry.tel  
**Line Count:** 125  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <23 APR 2003 by MarshK0>; APPROVED <16 JAN 2004 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ALLEGATIONS THAT GVN VIOLATES ARTICLE 11 OF PARIS AGREEMENT ON "DECMOCRATIC LIBERTIES"  
**TAGS:** PFOR, VS  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006